IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1057 OF 2007

Mr.Sanjay Notandas Achhra ..Petitioner.

Vs.

Mrs.Kusum Sanjay Achhra ..Respondent.

Mr.V.N.Tayade for the Petitioner.
None for the Respondent.

CORAM : A.S. OKA, J.
DATED : 11TH JUNE, 2006

P.C. :

Heard Advocate appearing for the Petitioner.

2. The Petitioner is husband and the Respondent is the wife. A suit was filed by the Respondent wife under Section 18 of the Hindu Adoptions and Maintenance Act, 1956. In the said suit, an order has been passed directing the Petitioner to pay interim maintenance of Rs.3000/- per month to the Respondent wife from 13.2.2006. This order is the order under challenge in this Petition under Article 227 of the Constitution of India.

3. The learned Advocate for the Petitioner submitted that the net salary received by the Petitioner after all deductions is around Rs.9000/-

per month. He submitted that the Petitioner has to look after his aged parents and is required to spend substantial amount on the medical treatment of his parents. He, therefore, submitted that the amount of Rs.3000/- fixed by the trial Court is on the higher side. He invited my attention to the fact that the Respondent has filed a petition for restitution of conjugal rights in which the Petitioner has made a counter claim.

4. I have considered the submissions made by the learned Advocate for the Petitioner. Even according to the case of the Petitioner, in the year 2006, his net salary was more than Rs.9000/- per month. The trial Court has awarded only a sum of Rs.3000/- as interim maintenance. Considering the income of the Petitioner, the said amount cannot be said to be unreasonable. Therefore, there is no illegality in the impugned order.

5. It appears that the parties are residing separately for a long time. It will be in the interests of justice if the matrimonial petition is disposed of expeditiously. It will also be open for the parties to apply for a direction for hearing of

the present suit alongwith the Hindu Matrimonial Petition pending between the parties.

6. Hence, the following order is passed :-

i) The Writ Petition is rejected.

ii) Hearing of the Marriage Petition No.265 of 2006 is expedited and the same shall be disposed of on or before 31.1.2008.

iii) It will be open for the parties to move the appropriate Court for seeking a direction for hearing the Special Civil Suit No.30 of 2006 alongwith the said petition.

iv) The Respondent is permitted to withdraw a sum of Rs.3500/- deposited by the Petitioner in this Court as the Respondent has engaged an Advocate and has filed an affidavit-in-reply.

v) Parties and the concerned Courts to act on an authenticated copy of this order.

(A.S. OKA, J.)